

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

**CLERK'S OFFICE**

**NOTICE OF ORAL ARGUMENTS**

**DOCKET NO. 2016-42-E**

**Power Purchase Agreement between Duke Energy Progress, LLC and Dillon Solar, LLC**

On December 20, 2017, the following motion was made and approved by the Public Service Commission of South Carolina (the Commission):

“In Docket No. 2016-42-E, Duke Energy Progress has requested confidential treatment of certain portions of amendments to Power Purchase Agreements it has entered into with Dillon Solar, LLC. The Office of Regulatory Staff has opposed Duke's request. However, Duke argues that the materials which it wishes to keep confidential contain competitive and proprietary business information meeting the definition of trade secrets, and therefore should be exempted from disclosure under the Freedom of Information Act. Further, it argues that this finding is consistent with longstanding practice at the PSC, and that protecting this data from disclosure ensures that Duke can continue to negotiate favorable terms in its power purchase agreements, and as a result, be able to offer its ratepayers lower rates.

It should also be noted that the Commission is empowered, pursuant to South Carolina Code Section 58-4-55(C), to exempt from public disclosure by the Office of Regulatory Staff any documents or information which it finds to be entitled to confidential treatment. The Commission therefore orders that the un-redacted copies of the amendments to the power purchase agreements at issue here remain sealed for the present, while Commission staff is instructed to schedule oral argument as to the redacted documents at issue.”

**PLEASE TAKE NOTICE** that pursuant to Commission Order Number 2017-762, Oral Arguments (Please see attached Commission Directive dated December 20, 2017), in the above-named docket are scheduled to begin on **Tuesday, February 6, 2018, at 10:30 a.m.**, before the Commission in the Commission's Hearing Room at Synergy Business Park, Saluda Building, 101 Executive Center Drive, Suite 100, Columbia, South Carolina 29210.

Persons seeking information about the Commission's procedures should contact the Commission at (803) 896-5100 or visit its website at [www.psc.sc.gov](http://www.psc.sc.gov).

1/4/18

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER	<input type="checkbox"/>	DATE	<u>December 20, 2017</u>
MOTOR CARRIER MATTER	<input type="checkbox"/>	DOCKET NO.	<u>2016-42-E</u>
UTILITIES MATTER	<input checked="" type="checkbox"/>	ORDER NO.	<u>2017-762</u>

**THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.**

**SUBJECT:**

DOCKET NO. 2016-42-E - Power Purchase Agreement between Duke Energy Progress, LLC and Dillon Solar, LLC - Staff Presents for Commission Consideration the Request for Acceptance of the Filing of the Amended Power Purchase Agreement between Duke Energy Progress, LLC and Dillon Solar, LLC, along with a Request for Confidential Treatment of Certain Portions of the Agreement.

**COMMISSION ACTION:**

In Docket No. 2016-42-E, Duke Energy Progress has requested confidential treatment of certain portions of amendments to Power Purchase Agreements it has entered into with Dillon Solar, LLC. The Office of Regulatory Staff has opposed Duke's request. However, Duke argues that the materials which it wishes to keep confidential contain competitive and proprietary business information meeting the definition of trade secrets, and therefore should be exempted from disclosure under the Freedom of Information Act. Further, it argues that this finding is consistent with longstanding practice at the PSC, and that protecting this data from disclosure ensures that Duke can continue to negotiate favorable terms in its power purchase agreements, and as a result, be able to offer its ratepayers lower rates.

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PRESIDING: Whitfield

SESSION: Regular

TIME: 2:00 p.m.

	MOTION	YES	NO	OTHER
BOCKMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
ELAM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FLEMING	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
RANDALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

(SEAL)

RECORDED BY: J. Schmieding

